

REMARKS

In the Office Action, the Examiner rejected claims 1-37. By this paper, the Applicants amended claims 1, 2, 4-6, 8-14, 16, 17, 19, 23, 29, 30, 33, and 35-37, and cancelled claims 7, 15, 22, 27, and 28 for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-6, 8-14, 16-21, 23-26, and 29-37 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Objection to the Specification

In the Office Action, the Examiner objected to the disclosure and abstract. Although Applicants do not necessarily agree with the Examiner's objection, Applicants amended the specification as set forth above. In view of this amendment, Applicants respectfully request the Examiner withdraw the objection to the specification.

Objection to the Drawings

In the Office Action, the Examiner objected to Figure 6, element 122. In response, Applicants amended Figure 6, element 122 to correct a typographical error (changed "spear" with "speak"). See the attached Replacement Sheet. In view of this amendment, Applicants respectfully request the Examiner withdraw the objection to the drawings.

Claim Objections

The Examiner objected to claims 1-22, and 28-29 because of several informalities. However, these objections are believed to be moot in view of the foregoing amendments to the claims. Accordingly, Applicants respectfully request the Examiner withdraw the objections to the claims.

Claim Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 1, 8, 23, 33, and 36 under U.S.C. § 112, Second Paragraph, as being incomplete for omitting essential steps and/or elements, such omission amounting to a gap between the steps and/or elements. While Applicants disagree with the rejection, the rejection is believed to be moot in view of the foregoing amendments to the claims. Accordingly, Applicants respectfully request the Examiner withdraw the rejection and allow the claims.

Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 36 and 37 under Section 101 as being “drawn to a ‘program’ *per se*.” While Applicants do not necessarily agree with the rejection, Applicants have amended the preamble of claims 36 and 37, as suggested by the Examiner. Accordingly, Applicants respectfully request the Examiner withdraw the rejection and allow the claims.

Rejections Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-6, 8-14, 16-27, and 30-37 under Section 102(b) as being anticipated by Brant et al (U.S. Patent No. 6,278,975). Applicants respectfully traverse this rejection.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). Every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Indeed, the prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

By the present Response, all independent claims have been amended to be generally directed to speech recognition control of either: (1) a picture archival communication system (PACS); or (2) a medical dictation station for annotating radiological images. In contrast, the Brant et al. reference is absolutely devoid of these features. Thus, all claims are believed to patentable over Brant et al. Accordingly, Applicants respectfully request the Examiner withdraw the foregoing rejection and allow the claims. Moreover, it is noted that the secondary reference (Greenberg) relied on by the Examiner in the following rejection under 35 U.S.C. § 103(a) does not disclose a PACS. Instead, Greenberg teaches an “ultrasound review station.” *See* Greenberg, col. 5, lines 38-43.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 7, 15, and 28-29 under 35 U.S.C. § 103(a) as being unpatentable over Brant et al in view of Greenberg (U.S. Patent No. 6,514,201). Applicants respectfully traverse this rejection.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must show that the combination includes *all* of the claimed elements, and also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

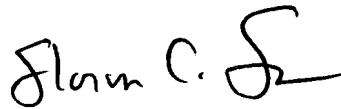
All rejected claims under Section 103 are dependent claims. In rejecting the various dependent claims, the Examiner’s cited combination of Brant and Greenberg, whether taken alone or in combination, does not obviate the deficiencies of the Brant discussed above with regard to the independent claims. Therefore, all dependent claims are believed to be patentable by virtue of their dependency on their respective allowable

base claims. Accordingly, applicants respectfully request the Examiner to withdraw the foregoing rejection and allow the claims.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,



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